IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 20938 of 2007(P)

PETITIONER:

THANKAMMA K.G.,
EDAVANATTU HOUSE, MUTTAR, ALAPPUZHA DISTRICT.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

RESPONDENTS:
---

1. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, K.S.E.B.,
MONCOMBU, ALAPPUZHA.

2. THE ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

3. JOSEPH VARGHESE,
URUVANCHIYIL HOUSE, MUTTAR, ALAPPUZHA DISTRICT.

R1 BY SC SRI.P.P. THAJUDEEN
R3 BY ADV. SRI.V.K.PEERMOHAMED KHAN
SRI.H.HAMZA ROWTHER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 20938 OF 2007

Dated this the 19th day of July, 2007

JUDGMENT

Petitioner is challenging Ext.P8 order whereunder the Addl. District Magistrate has issued orders under Section 16(1) of the Indian Telegraph Act read with Section 51 of the Electricity Act approving drawal of electric line over the boundary of petitioner's property for giving electric connection to the third respondent. I heard counsel for the petitioner, standing counsel for KSEB and counsel appearing for third respondent. Standing counsel for KSEB produced a sketch in Court which shows that there is already an electric post standing in the property of the petitioner at point marked "A" in the sketch. The original proposal was to draw weather proof line of 24 metres of length to give connection to the beneficiary. A weather proof line of this much length being insulated and benign would not have caused any inconvenience to the petitioner. However, petitioner opposed the line stating that he wants to construct a house beneath the proposed line. Even if weather proof line is maintained above the building, the same

will not cause any inconvenience or damage to the building. In view of the petitioner's objection, a longer route is proposed by the KSEB from point "P" to point "R" marked in the sketch, which is again over the boundary of petitioner's property. Petitioner is now opposing the line approved in the alternate route. I do not find any justification for the objection because the second alternate route suggested by the petitioner is 75 metres of live cable involving installation of five electric posts. In the circumstances, W.P. is devoid of any merit and is dismissed. However, if wisdom prevails upon the petitioner, it is open to the petitioner to accept the original proposal and communicate the same to the first respondent and in that event there will be direction to the first respondent to give connection from post "A" through weather proof cable. If required, petitioner can also request for shifting of post A to a suitable location in his property so that he can retain connection to his house and provide connection to the beneficiary and take connection to the new building to be constructed and in that event Ele. Board will shift the post in the petitioner's own property.

(C.N.RAMACHANDRAN NAIR)
Judge